

Attorney Docket 017227-0195

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Zhongyi LI, et al.

Title: REGULATION OF GENE EXPRESSION IN PLANTS

Appl. No.: 09/508,377

Filing Date: 06/09/2000

Examiner: S. Baum

Art Unit: 1638

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

**Mail Stop AMENDMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. Copies of the listed documents are being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is being filed in compliance with 37 C.F.R. § 1.97(c) prior to the mailing date of either a final action or a notice of allowance. Accordingly, pursuant to 37 CFR §1.97(d), a statement or fee is required. The fee set forth in §1.17(p) is enclosed.

**RELEVANCE OF EACH DOCUMENT**

The listed documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

By



Date November 18, 2004

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5404  
Facsimile: (202) 672-5399

Stephen A. Bent  
Attorney for Applicant  
Registration No. 29,768

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		Complete if Known																																																																																																																																																			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT																																																																																																																																																					
Date Submitted: November 18, 2004 (use as many sheets as necessary)																																																																																																																																																					
Sheet	1	of 2																																																																																																																																																			
<table border="1"> <tr> <td colspan="2">U.S. PATENT DOCUMENTS</td> </tr> <tr> <th>Examiner Initials*</th> <th>Cite No.<sup>1</sup></th> <th>U.S. Patent Document</th> <th>Name of Patentee or Applicant of Cited Document</th> <th>Date of Publication of Cited Document MM-DD-YYYY</th> <th>Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear</th> </tr> <tr> <th></th> <th></th> <th>Number</th> <th>Kind Code<sup>2</sup> (if known)</th> <th></th> <th></th> </tr> <tr><td colspan="6"> </td></tr> <tr> <td colspan="6">FOREIGN PATENT DOCUMENTS</td> </tr> <tr> <th>Examiner Initials*</th> <th>Cite No.<sup>1</sup></th> <th>Foreign Patent Document</th> <th>Name of Patentee or Applicant of Cited Documents</th> <th>Date of Publication of Cited Document MM-DD-YYYY</th> <th>Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear</th> </tr> <tr> <th></th> <th></th> <th>Office<sup>3</sup> Number<sup>4</sup></th> <th>Kind Code<sup>5</sup> (if known)</th> <th></th> <th>T<sup>6</sup></th> </tr> <tr><td colspan="6"> </td></tr> <tr> <td colspan="6">NON PATENT LITERATURE DOCUMENTS</td> </tr> <tr> <th>Examiner Initials*</th> <th>Cite No.<sup>1</sup></th> <td colspan="4">Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.</td> </tr> <tr> <td></td> <td>B1</td> <td colspan="4">Morell, MK. et al (1995). The biochemistry and molecular biology of starch synthesis in cereals. Aust J Plant Physiol 22:647-660.</td> </tr> <tr> <td></td> <td>B2</td> <td colspan="4">Rahman, S. et al (1995). The major proteins of wheat endosperm starch granules. Aust J Plant Physiol 22: 793-803.</td> </tr> <tr> <td></td> <td>B3</td> <td colspan="4">Rahman, S. et al (1997). A complex arrangement of genes at a starch branching enzyme I locus in the D-genome donor of wheat. Genome 40:465-474.</td> </tr> <tr> <td></td> <td>B4</td> <td colspan="4">Rahman, S., et al (1993). Molecular analysis of starch synthesis in Triticum tauschii. Proceedings of the 43rd Australian Cereal Chemistry Conference. (Sydney. Ed. C.W. Wrigley) Pp 332-333.</td> </tr> <tr> <td></td> <td>B5</td> <td colspan="4">Morell, M.K., et al (1995). Starch branching enzymes in developing wheat endosperm. Proceedings of the 45th Australian Cereal Chemistry Conference. (Eds. Williams, Y.A. and Wrigley C.W.) pp 135-139.</td> </tr> <tr> <td></td> <td>B6</td> <td colspan="4">Rahman, S., et al (1995). The major proteins of wheat starch granules. Proceedings of the 45th Australian Cereal Chemistry Conference. (Eds Williams Y.A. and Wrigley, C.W.) pp 133-134.</td> </tr> <tr> <td></td> <td>B7</td> <td colspan="4">Rahman, S., et al (1996). A complex arrangement of genes at a starch branching enzyme-I locus in the D-genome donor of wheat. In: Cereals '96, C.W. Wrigley(ed), Proceedings 46th Australian Cereal Chemistry Conference (Sydney: September 1-6, 1996) pp 231-233.</td> </tr> </table>				U.S. PATENT DOCUMENTS		Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear			Number	Kind Code <sup>2</sup> (if known)																																	FOREIGN PATENT DOCUMENTS						Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear			Office <sup>3</sup> Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)		T <sup>6</sup>																															NON PATENT LITERATURE DOCUMENTS						Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.					B1	Morell, MK. et al (1995). The biochemistry and molecular biology of starch synthesis in cereals. Aust J Plant Physiol 22:647-660.					B2	Rahman, S. et al (1995). The major proteins of wheat endosperm starch granules. Aust J Plant Physiol 22: 793-803.					B3	Rahman, S. et al (1997). A complex arrangement of genes at a starch branching enzyme I locus in the D-genome donor of wheat. Genome 40:465-474.					B4	Rahman, S., et al (1993). Molecular analysis of starch synthesis in Triticum tauschii. Proceedings of the 43rd Australian Cereal Chemistry Conference. (Sydney. Ed. C.W. Wrigley) Pp 332-333.					B5	Morell, M.K., et al (1995). Starch branching enzymes in developing wheat endosperm. Proceedings of the 45th Australian Cereal Chemistry Conference. (Eds. Williams, Y.A. and Wrigley C.W.) pp 135-139.					B6	Rahman, S., et al (1995). The major proteins of wheat starch granules. Proceedings of the 45th Australian Cereal Chemistry Conference. (Eds Williams Y.A. and Wrigley, C.W.) pp 133-134.					B7	Rahman, S., et al (1996). A complex arrangement of genes at a starch branching enzyme-I locus in the D-genome donor of wheat. In: Cereals '96, C.W. Wrigley(ed), Proceedings 46th Australian Cereal Chemistry Conference (Sydney: September 1-6, 1996) pp 231-233.			
U.S. PATENT DOCUMENTS																																																																																																																																																					
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear																																																																																																																																																
		Number	Kind Code <sup>2</sup> (if known)																																																																																																																																																		
FOREIGN PATENT DOCUMENTS																																																																																																																																																					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear																																																																																																																																																
		Office <sup>3</sup> Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)		T <sup>6</sup>																																																																																																																																																
NON PATENT LITERATURE DOCUMENTS																																																																																																																																																					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.																																																																																																																																																			
	B1	Morell, MK. et al (1995). The biochemistry and molecular biology of starch synthesis in cereals. Aust J Plant Physiol 22:647-660.																																																																																																																																																			
	B2	Rahman, S. et al (1995). The major proteins of wheat endosperm starch granules. Aust J Plant Physiol 22: 793-803.																																																																																																																																																			
	B3	Rahman, S. et al (1997). A complex arrangement of genes at a starch branching enzyme I locus in the D-genome donor of wheat. Genome 40:465-474.																																																																																																																																																			
	B4	Rahman, S., et al (1993). Molecular analysis of starch synthesis in Triticum tauschii. Proceedings of the 43rd Australian Cereal Chemistry Conference. (Sydney. Ed. C.W. Wrigley) Pp 332-333.																																																																																																																																																			
	B5	Morell, M.K., et al (1995). Starch branching enzymes in developing wheat endosperm. Proceedings of the 45th Australian Cereal Chemistry Conference. (Eds. Williams, Y.A. and Wrigley C.W.) pp 135-139.																																																																																																																																																			
	B6	Rahman, S., et al (1995). The major proteins of wheat starch granules. Proceedings of the 45th Australian Cereal Chemistry Conference. (Eds Williams Y.A. and Wrigley, C.W.) pp 133-134.																																																																																																																																																			
	B7	Rahman, S., et al (1996). A complex arrangement of genes at a starch branching enzyme-I locus in the D-genome donor of wheat. In: Cereals '96, C.W. Wrigley(ed), Proceedings 46th Australian Cereal Chemistry Conference (Sydney: September 1-6, 1996) pp 231-233.																																																																																																																																																			

Examiner Signature	Date Considered
--------------------	-----------------

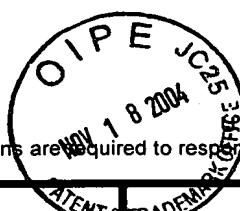
\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	09/508,377
Date Submitted: November 18, 2004 (use as many sheets as necessary)				Filing Date	06/09/2000
				First Named Inventor	Zhongyi Li
				Group Art Unit	1638
				Examiner Name	S. Baum
Sheet	2	of	2	Attorney Docket Number	017227-0195

U.S. PATENT DOCUMENTS			
		U.S. Patent Document	
	B8	Li, Z., et al (1997). Advances in wheat genetic engineering-increased transformation efficiencies and the first field release. Proceedings of the 47th Australian Cereal Chemistry Conference. (Eds. A.W. Tarr, A.S. Ross and C.W. Wrigley). pp 22-26.	
	B9	Rahman, S., et al. (1997). Structure of starch branching enzyme genes from T. tauschii. Proceedings of the 47th Cereal Chemistry Conference. (Eds. A.W. Tarr, A.S. Ross and C.W. Wrigley). pp 360-364.	
	B10	Rahman, S., et al (1998). Structure of branching enzyme genes in wheat. Proc. 4th Asia-Pacific Conference on Agricultural Biotechnology, Darwin. 13-16 July 1998. Pp 388-390.	
	B11	Rahman, S., et al (1999). Characterisation of gene encoding wheat endosperm starch branching enzyme-1. Theor. App. Genet. 98: 156-163.	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 002.1298

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.